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#TestDiablo

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SAN FRANCISCO, CA

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Dear Judge Montali:

As the daughter of a Republican lawyer, the late Daniel G. Kennedy of Rochester, New York, I am emboldened to write with my hope that you will read this letter during the time PG&E is in your bankruptcy court.

My father was Counsel for the Rochester Gas & Electric Company during the 1960s, when it planned and built a nuclear power plant on the shores of Lake Ontario. He'd been stationed in the Pacific during World War II and hated violence. He loved Eisenhower's proposal of "Atoms For Peace" and was proud to be in the forefront of the development of nuclear power plants.

One night when he'd returned from some Atomic Energy Commission meetings in DC that were now part of his duties, he showed us a sketch of the atom he'd drawn on his dinner napkin. "The electrons go around it with such force," he said, tracing their orbits with his finger, "that, when unleashed, can power a whole city with electricity too cheap to meter!"

I knew something was wrong with this picture - figuratively if not literally. My father is an arts man, I thought. He edited his college humor magazine and, almost, the New Yorker. He was not a scientist. He became a lawyer because he wanted to support a wife and family. As a Catholic he considered that his paramount obligation. He set the napkin down. "There is one little problem," he admitted. "The waste. No-one seems to know what to do with it, but it lasts thousands of years and there's got to be a safe place to put it."

One of us - my science-minded brother - said, "That's no little problem."

Well, there were salt caves in New Mexico, my father countered, and they wouldn't leak and the lead casks would last as far as anyone could see into the future. "The the main thing," he said, drawing himself up for the closing argument, "is to keep the government from getting involved. Every time they do, they manage to screw things up, I saw it in the army. Leave business alone and they'll come up with the best solution."

If my father were alive, I'm sure his confidence in private business's ability to solve the problem of nuclear waste might have faded. Mine, in the government's ability to protect us from radioactive accidents, certainly has. And I would note to him that business was only too happy with government interference when the Price-Anderson Act () gave nuclear operators a pass on liability. No private insurer would cover nuclear power, so Congress made operators contribute a paltry amount to a kitty that everyone knew would be insufficient in a meltdown, and put American taxpayers on the hook for the rest of it. Relocating millions, ruined farmland, cancers and deaths - that's still all on us.

I write because PG&E owns the nuclear power plant at Diablo Canyon, between San Francisco and LA. Like Fukushima, it's sited on the ocean. Since its design and construction, many new earthquake faults have been discovered nearby. Far from improving strength, PG&E has requested postponements, from the Nuclear Regulatory Commission, of scheduled safety inspections and maintenance. And the NRC has complied.

Yet PG&E is in your court precisely because it similarly ignored improvements to traditional energy infrastructure. Award of massive damages in criminal court has sunk its ability to pay.

If the NRC and our public officials won't act to demand inspections at Diablo, I know bankruptcy court can. Isn't it the court's job to achieve a true valuation of the bankrupt entity, and form a plan to pay creditors? I am forced to wonder if PG&E is claiming Diablo Canyon an asset or liability? How can it be known, without testing for the plant's operability and safety in the earthquake for which all Californians are being told to prepare - how can you tell? A car that has deferred scheduled maintenance would surely not be valued as much as one that has.

Many tests are needed: embrittlement, cracking, leakage, and models for new risks, including acceleration of climate change impacts on storms and sea level rise.

As far as I know at this writing, Diablo is still in shut-down as part of installing a new fuel assembly. Shut-downs cost money; start-ups cost money. If that assembly is not yet installed, it is arguably an asset: it could be sold to another reactor. If it has been installed, it is a liability: nuclear waste, expensive someday to store and in the meantime, a massive liability risk in meltdown of an aging reactor. Radioactive waste already on site would doom water and farmland if the containments fail. Yet PG&E resists inspection and testing.

I write to ask you to consider these things in your deliberations. My concern is based in my personal family history, but as a Californian and an active citizen, I had to write this letter as well as write, more generally, about my concerns in various public forums with thousands of individuals and many organizations that are pressing to #Test Diablo.

Thank you.

Peace,

Mimi Kennedy

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